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RESERVATIONS TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Report by the Secretariat

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I. INTRODUCTION

1. At its fifteenth session held in January 1996, the Committee on the Elimination of Discrimination against Women requested, in connection with its consideration of ways and means of expediting the work of the Committee, that the Secretariat provide it with information to facilitate discussion at its sixteenth session of reservations to the Convention on the Elimination of All Forms of Discrimination against Women. The Committee specifically requested a review of "what United Nations conferences have said about reservations to the Convention" and "of comments made by women's human rights non-governmental organizations concerning reservations". It also requested "a qualitative comparison of reservations to the Convention with reservations to those of other human treaties" and "an analysis of States parties' reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law".[1]

2. The present report seeks to provide the Committee with the information it requested. To facilitate discussion, the first part describes the pattern of reservations and declarations made by States parties to the Convention on ratification or accession. The report then surveys the response of the Committee, States parties to the Convention, United Nations conferences and others, including non-governmental organizations and scholars, to these reservations and declarations. The final part of the report describes measures that have been taken in other contexts to address reservations and suggests options available to the Committee as it seeks to reduce and, ultimately, eliminate reservations. The report provides a comparison of the reservations and declarations to the Convention with reservations and declarations entered to other human rights treaties which can be used by the Committee and others in dialogue with States parties.

II. THE PATTERN OF RESERVATIONS AND DECLARATIONS TO THE CONVENTION

3. The Vienna Convention on the Law of Treaties, 1969, defines a reservation as a "unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty whereby it purports to exclude or to modify the legal effects of certain provisions of the treaty in their application to that State".[2] Declarations which offer a State's understanding of a provision sometimes seek to exclude or modify the legal effects of the treaty for that State and are thus properly construed as reservations.[3]

4. As at 8 November 1996, 154 States had ratified, acceded or succeeded to the Convention. Of these, 49 had entered declarations or reservations, many to more than one article. Some of these reservations are essentially procedural and relate to article 29(1) of the Convention, which provides for the jurisdiction of the International Court of Justice for the settlement of disputes arising out of the Convention.[4] Reservations to article 29(1) are permitted by article 29(2) of the Convention and thus there is no question as to their admissibility. A significant number of reservations are, however, substantive

and, as one commentator has suggested, go "to the heart of both values of universality and integrity"[5] in international human rights law generally and in its application to women, in particular.

5. The majority of reservations have been made to individual articles, but a minority are general and do not refer to specific provisions of the Convention. Examples of general reservations include those of Malaysia, Maldives and Tunisia. Malaysia's reservation indicates that its accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic shariah and the Federal Constitution of Malaysia. Maldives makes clear that the Government of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory to the principles of the Islamic shariah, upon which the laws and traditions of Maldives are founded, and that it does not see itself bound by any provision of the Convention which obliges it to change its Constitution and laws in any manner. Tunisia has filed a "general declaration" stating that it will not take any organizational or legislative decision in conformity with the requirements of the Convention where such a decision would conflict with provisions of chapter 1 of the Tunisian Constitution. The first article of that chapter of the Constitution declares Islam to be the official religion of the State. A similar reservation, framed as a general declaration, has been filed by Pakistan, which states that its accession is subject to the provisions of the Constitution of the Islamic Republic of Pakistan.

6. Commentators have stressed the significance of the first five articles to the fulfilment of the Convention's objectives. Nonetheless, a significant number of reservations and declarations have been made to these articles. A number of States parties have differently phrased reservations to these provisions to the effect that the Convention is not binding insofar as its provisions may conflict with the Islamic shariah or that the State party is willing to comply with the Convention, provided that such compliance will not be in contradistinction to the Islamic shariah.[6] These reservations have been viewed by some as imprecise and indeterminate and thereby contrary to the certainty required for the acceptance of a clear legal obligation.[7] The terms of the reservations sometimes do not explain their legal and practical scope. This is rendered more complicated by differing views among Islamic scholars as to the precise requirements of the shariah and whether the shariah may be subject to evolving interpretation and practice.

A. Articles 1-5

7. Reservations to articles 1-5 are not all framed in terms of Islamic law. A number of States parties have entered reservations which provide that their domestic law prevails over these and other articles. For example, Algeria states that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code. The Bahamas has entered an unexplained reservation to article 2(a). Lesotho declares that it does not consider itself bound by article 2 to the extent that it conflicts with Lesotho's constitutional stipulations relating to succession to chieftainship and that none of the obligations in the Convention, particularly those in article 2(e), will be treated as extending to the affairs

of religious denominations. New Zealand defers to traditional customs within the Cook Islands by reserving articles 2(f) and 5(a) "to the extent that the customs governing the inheritance of certain Cook Islands chief titles may be inconsistent with those provisions". India declares that it will apply article 5(a) in conformity with its policy of non-interference with the personal affairs of any community without its initiative and consent, while Fiji has filed an unexplained reservation to article 5(a).

B. Article 7

8. Several States parties have made reservations to article 7, explaining these reservations variously. Malaysia has entered a reservation on the basis of Islamic Law and its Constitution, which it does not expand. Austria and Germany have limited their reservation to women's participation in the defence forces; Belgium, Luxembourg and Spain, to the royal prerogative; Israel, to the participation of women as judges in religious courts; and Kuwait, to equality in franchise.

C. Article 9

9. A significant number of reservations have been entered to article 9 of the Convention, which obliges States parties to grant women equal rights with men in relation to their nationality and that of their children.[8] Commentators suggest that these reservations demonstrate deep-rooted assumptions about the appropriate role of women in society, with children born in marriage assumed to acquire the nationality of their father and married women that of their husband. Conversely, husbands do not acquire the nationality of their wives.[9] These reservations not only entrench women's inequality with men in this sphere, but create significant practical disadvantages for them where residence and immigration status are concerned.

D. Articles 11-14

10. A small number of States parties have entered reservations to specific parts of articles 11-14. Reservations to article 11, providing for equality in employment, are drawn narrowly, but nonetheless may rest on stereotypical assumptions. Examples here are reservations, such as those of Austria, relating to night work and others entrenching special protection for working women.[10] Some States parties have entered reservations to articles which oblige the introduction of equality in social benefits. These include Australia, which has made a reservation with regard to article 11(2)(b) on the basis that it is not at present in a position to introduce maternity leave with pay or comparable social benefits throughout the country, and Malta, which, in its reservation to article 13, has preserved its tax legislation which deems, in certain contexts, the income of a married woman to be that of her husband and the husband as head of household for the purposes of social security legislation. Other States parties that have entered reservations to article 13 include Bangladesh, which does not explain its reservation, and Ireland, which indicated that although legislation to ensure equality in services provided by non-governmental actors

was under consideration, it reserved the right, in the meantime, to apply its existing law and measures in that context. Narrow reservations have also been entered by France to article 14(2) (c) and (h), concerning specific measures for rural women.

E. Article 15

11. Article 15, providing that women will be accorded equality with men before the law and in personal movement, choice of residence and domicile, is subject to a number of reservations. Insofar as equality before the law is concerned, Malta's reservation to articles 13, 15 and 16 indicates that it is removing all discriminatory aspects of property law but that in the period of transition it will apply extant discriminatory laws.[11] Jordan has explained that a woman's residence and domicile are with her husband, while Algeria, Morocco, Tunisia and Turkey accept the article subject to the relevant provisions of their personal status codes.[12]

F. Article 16

12. A large number of States parties have entered reservations to article 16, which guarantees equality between women and men in marriage and family life,[13] either in part or in its entirety. Commentators have been particularly critical of these reservations, suggesting that they manifest rejection of the extension of human rights protection into the private sphere and entrench an inferior role for women in domestic life.[14] Controversy surrounded the drafting of article 16 during the preparation of the Convention, with States attempting, even in the discussions in the Third Committee of the General Assembly, to amend the draft Convention to conform with their domestic law.[15] Reservations and declarations to this article are diverse. A number are imprecise and offer no explanation.[16] Others are explicit and explain why the State party has made the reservation. Some States parties, whose reservations are based on the Islamic shariah, argue that women are in fact advantaged by the domestic regime. For example, Iraq has indicated that its reservation is based on the view that the shariah accords women rights equivalent to those of their spouses so as to ensure a just balance between them. Similar, but more detailed, explanations, are offered by the reservations of Egypt and Morocco. Reservations to article 16 have attracted the particular concern of the Committee on the Elimination of Discrimination against Women which, in general recommendation 21, relating to equality in marriage and family relations,[17] expressed alarm at the number and scope of reservations to article 16, particularly in those cases where the State party has also entered reservations with respect to article 2. The Committee has urged States parties to discourage any notions of inequality between women and men which are affirmed by law, or by religious or private law or custom, and has encouraged them to progress towards a stage where reservations to article 16 could be removed.

III. RESPONSES TO RESERVATIONS TO THE CONVENTION

13. The Vienna Convention on the Law of Treaties 1969 prohibits reservations which are incompatible with the object and purpose of a particular treaty. Article 28(2) of the Convention on the Elimination of All Forms of Discrimination against Women reiterates the Vienna Convention and prohibits reservations which are incompatible with its own object and purpose. Despite the prohibition of such reservations, there is no explicit mechanism, beyond the mechanism of objections by other States parties, in the Vienna Convention or in the Convention on discrimination against women itself by which a reservation can be adjudged incompatible with the Convention, and the Convention does not spell out the consequences of an incompatible reservation or an objection to such a reservation.[18]

14. Although there is no formal external or internal mechanism to determine the compatibility of reservations to the Convention, responses to these reservations by States parties to the Convention, the international community generally and others suggest that a significant number of extant reservations are incompatible with the Convention's object and purpose and thus contrary to article 28(2).

A. Response of other States parties

15. A number of States parties to the Convention have exercised the option available under the Vienna Convention on the Law of Treaties and objected to the reservations of other States. Of these, Germany, Finland, Mexico, the Netherlands, Norway, Portugal and Sweden have argued that the wide and often vague and indeterminate reservations of particularly those States which make reservations on the basis of religious law are incompatible with the object and purpose of the Convention and thus contrary to article 28(2). In all cases, objecting States parties have made clear that their objections should not be interpreted as impeding the entry into force of the Convention between themselves and the reserving party.

16. The question of reservations has also been discussed by the meeting of States parties to the Convention. The third meeting of States parties adopted a resolution (CEDAW/SP/8) urging full respect for article 28(2) of the Convention and requesting the Secretary-General to seek States parties' views on reservations that would be considered to come within this article and to report those views to the General Assembly at the following session. It also placed the issue on the agenda of the fourth meeting of States parties, which was to convene in 1988. Seventeen States responded to the Secretary-General's request for views, less than 20 per cent of the then States parties.[19] The report of the Secretary-General[20] was considered by the Third Committee of the General Assembly at its forty-first session in 1986, when a number of States parties that had entered reservations alleged that the debate represented both cultural insensitivity and interference with the sovereign right of States to enter reservations. The General Assembly subsequently adopted resolution 41/108, of 4 December 1986, in which it made no specific reference to reservations, but "recalled the decision of the States parties" and "emphasized the importance of strictest compliance with their obligations under the Convention".

B. Response of the Committee

17. The Committee on the Elimination of Discrimination against Women has been preoccupied with the issue of reservations since its inception. At the third session of the Committee, the Treaty Section of the Office of Legal Affairs of the United Nations Secretariat provided a legal opinion in which it indicated that neither the Committee nor the Secretary-General, as depository of the treaty, had the power to determine the compatibility of reservations,[21] but the question has been an item of discussion for the Committee at many of its sessions. During its sixth session in 1987, the Committee formulated general recommendation 4, which expresses concern at the significant number of reservations that appear to be incompatible with the object and purpose of the Convention, welcomes the decision of the States parties to consider the issue during their meeting in 1988, and suggests that all States parties concerned reconsider reservations with a view to withdrawing them.[22] In 1988, the Committee suggested that, given the references by States parties to Islamic law and practices in their reservations, it would be useful for the Committee to have material on the subject.[23] The Committee has continued to question States closely on the issue of their reservations,[24] encouraging them to review and amend their laws and policies in compliance with the Convention so as to allow for withdrawal of the reservations. In 1992, the Committee formulated a further general recommendation concerning reservations.[25] This general recommendation, No. 20, suggested that States parties should, in their preparation for the 1993 United Nations World Conference on Human Rights, raise the question of the validity and legal effect of reservations to the Convention in the context of reservations to other human rights treaties, reconsider such reservations with a view to strengthening the implementation of all human rights treaties, and consider introducing a procedure on reservations to the Convention comparable with that of other human rights treaties.

C. Revised reporting guidelines

18. At its meeting in 1994, building on paragraph 39 of the Vienna Declaration and Programme of Action, the final document of the World Conference on Human Rights, which encouraged ways and means of addressing the particularly large number of reservations to the Convention and the continued review by the Committee of those reservations, as well as urging States to withdraw reservations that were contrary to the object and purpose of the Convention or which were otherwise incompatible with international treaty law,[26] the Committee amended its guidelines for the preparation of initial and periodic reports required by article 18 of the Convention to include guidance for States that had entered reservations.

19. The new guidelines require States parties to report specifically with regard to their reservations, why they consider them to be necessary, their precise effect on national law and policy and whether they have entered similar reservations to other human rights treaties that guarantee similar rights. States parties are also required to describe plans that they might have to limit the effect of the reservations or withdraw them and, where possible, specify a timetable for this process. Particular reference was made to those States parties which have entered general reservations or reservations to articles 2

and 3, thereby suggesting that the Committee considers such reservations to be incompatible with the object and purpose of the Convention and requiring a special effort towards withdrawal or modification. States parties with such reservations are directed to report on the effect and interpretation of their reservations. The Committee also requested that a special letter be sent by the Secretary-General to those States parties that had entered substantive reservations to the Convention and recommended that the programme of advisory services of the Centre for Human Rights and the Division for the Advancement of Women be available to provide advice to States parties on the withdrawal of reservations.

D. Beijing Declaration and Platform for Action

20. The Committee's concern with reservations to the Convention was echoed by the international community at the Fourth World Conference on Women, which agreed in the Beijing Platform for Action that Governments should limit the extent of any reservations to the Convention, formulate any such reservations as precisely and narrowly as possible, ensure that no reservations were incompatible with the object and purpose of the Convention or international treaty law and review reservations regularly with a view to their withdrawal.[27]

E. Response of scholars and non-governmental organizations

21. Reservations to the Convention have not only attracted the interest of States parties to the Convention, the Committee and other parts of the United Nations system, but also that of scholars and non-governmental organizations. At least four scholars have commented on the reservations, classifying those which they see as impermissible as contrary to the object and purpose of the Convention and suggesting strategies to confront them.[28]

IV. RESPONSE OF OTHER HUMAN RIGHTS TREATY BODIES TO RESERVATIONS

22. The issue of reservations is also a concern of other human rights treaty bodies, with the fifth meeting of Chairpersons of Human Rights Treaty Bodies in 1994 recommending that the treaty bodies should require States parties to explain their reservations. At that meeting it was also recommended that treaty bodies should clearly state that certain reservations were incompatible with treaty law.[29]

23. The absence of specific provisions for dealing with reservations in a number of human rights treaties, and the failure of the Vienna Convention on the Law of Treaties to specify the legal consequences of an impermissible reservation, led the Human Rights Committee, the treaty body established under the International Covenant on Civil and Political Rights, to adopt general comment 24,[30] concerning reservations, in November 1994. In paragraphs 8-11, the comment identifies the principles of international law that apply to the making of reservations and those reservations which the Human Rights Committee regards as contrary to the object and purpose of the Covenant. The Human Rights Committee's classification of reservations contrary to the Covenant's object and

purpose is based on the obligations established in the Covenant, but the comment makes clear (para. 12) that widely formulated reservations which essentially render ineffective all Covenant rights, or which reveal a tendency of States not to want to change a particular law, are often contrary to the object and purpose of the Covenant.

24. General comment 24 also addresses the role of the Human Rights Committee in the context of reservations. The comment suggests that the classic rules on reservations contained in the Vienna Convention on the Law of Treaties are inadequate for the Covenant and other human rights treaties, which, because they concern the rights of individuals and not mutual obligations between States, do not arouse the legal interest of States to lodge objections. In the Committee's view, this has led to few States lodging objections to incompatible reservations as they are entitled to do under the Vienna Convention. The Committee's view (para. 18) is, therefore that:

> "It necessarily falls to the Committee to determine whether a specific reservation is compatible with the object and purpose of the Covenant. This is in part because ... it is an inappropriate task for States parties in relation to human rights treaties, and in part because it is a task that the Committee cannot avoid in the performance of its functions. In order to know the scope of its duty to examine a State's compliance under article 40 [the reporting obligation in the International Covenant on Civil and Political Rights] ... the Committee has necessarily to take a view on the compatibility of a reservation with the object and purpose of the Covenant and with general international law. Because of the special character of a human rights treaty, the compatibility of a reservation with the object and purpose of the Covenant must be established objectively, by reference to legal principles, and the Committee is particularly well placed to perform this task. The normal consequence of an unacceptable reservation is not that the Covenant will not be in effect for the reserving party. Rather, such a reservation will generally be severable, in the sense that the Covenant will be operative for the reserving party without benefit of the reservation."

25. General comment 24 goes on to make recommendations for States parties for the review of reservations, as well as to States that are not yet parties, but which might be considering ratifying with reservations. It stresses that reservations must be specific and transparent so that the obligations assumed by the ratifying State are clear. Reservations should be precise, rather than general, and States should take into account the overall effect of a group of reservations, as well as the effect of each reservation on the integrity of the treaty. Multiple reservations resulting in the acceptance of a limited obligation should be avoided and reservations should not be framed so as to reduce the obligations assumed to less demanding standards of domestic law (para. 19).

26. Strategies to address extant reservations are also proposed in the comment. States are asked to institute procedures to ensure that each reservation is compatible with the object and purpose of the treaty and States entering reservations should indicate in precise terms the domestic legislation or practices which it considers incompatible with the reserved provision,

delineating a time period required to adjust its domestic laws and practices to conform with the obligation or indicating why it cannot render its domestic laws and practices compatible with the treaty. Reservations should be periodically reviewed, particularly in the light of the Committee's examination of periodic reports, which should include information regarding action that has been taken to review, reconsider and withdraw reservations. Withdrawal of reservations should occur as early as possible.

27. Some aspects of the Human Rights Committee's general comment on reservations have proved controversial with a number of States parties to the Covenant. In particular, the view that the Vienna Convention is inappropriate for human rights treaties, as well as the suggestion that the Committee has the power to make a binding pronouncement on the validity of reservations and sever those it determines offensive, have been criticized.[31] It is to be noted, however, that in the context of its work on reservations,[32] the International Law Commission has prepared a draft resolution on reservations to normative multilateral treaties, including human rights treaties, which is expected to be considered by the Commission in 1997.[33] In the draft resolution, the Commission suggests that although the Vienna Convention is fully applicable to reservations to human rights treaties, although these treaties do not explicitly provide for the competence of treaty bodies to determine the validity of reservations, such bodies necessarily have this competence. Taken together, the Human Rights Committee's general comment and the emerging views of the International Law Commission suggest an active role for human rights treaty bodies to determine whether reservations are contrary to the object and purpose of the treaty under consideration.

V. OPTIONS FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN WITH REGARD TO RESERVATIONS

28. A former expert on the Human Rights Committee, and now a judge of the International Court of Justice, has stated that at the heart of the issue of reservations is "the balance to be struck between the legitimate role of States to protect their sovereign interests and the legitimate role of the treaty bodies to promote the effective guarantee of human rights".[34] Where the Committee on the Elimination of Discrimination against Women is concerned, the issue raises the question of how best to preserve the integrity of the Convention and the obligations that it establishes, while at the same time encouraging the widest participation in the treaty. A related question is how far even far-reaching reservations should be tolerated so as to encourage States parties with such reservations to subscribe to the aims of the Convention and, through the reporting process, gradually to remove their reservations.

29. While stress has been placed by the Committee on the Elimination of Discrimination against Women and others on the many substantive and far-reaching reservations to the Convention, less attention has been paid to the fact that an impressive number of reservations entered by States parties at accession or ratification have been modified or removed entirely. Indeed, although the number and reach of reservations to the Convention are second only to those for the Convention on the Rights of the Child, more reservations to it have been removed than in the case of any other human rights treaty.[35] For example, Malawi

withdrew its general reservation in 1990 and far-reaching reservations relating to articles 15 and 16 were withdrawn by Brazil. In 1996, the United Kingdom of Great Britain and Northern Ireland withdrew most of its numerous reservations which it had made at the time of ratification in 1981. Significantly, Libyan Arab Jamahiriya modified its general reservation which subsumed its accession to the laws on personal status derived from the Islamic shariah. The modified reservation is specific and indicates that Libya intends to implement article 2 of the Convention in the light of the "peremptory norms" of the Islamic shariah relating to inheritance and article 16(1) (c) and (d) without prejudice to any of the rights guaranteed to women by the Islamic shariah. Modification of Libya's reservation occurred after it had presented its first report due under the terms of the Convention, at which time Libya's representative and members of the Committee discussed its earlier reservation in some detail, exploring ways in which it could be drawn more precisely.

A. Monitoring the Committee's general recommendation 20

30. This pattern of modification and withdrawal of reservations suggests that it is important for the Committee to continue its constructive approach to the issue of reservations. The Committee should, for example, continue to monitor closely the impact of general recommendation 20, particularly that part of the recommendation that suggests review by the Committee of States parties' reservations with a view to encouraging States to modify or withdraw them. Monitoring of the effect of the guidelines for reporting introduced in 1994 should also continue to be a priority for the Committee. Such monitoring could include assessment of whether States parties have followed the guidelines and if compliance with the guidelines has resulted in modification of reservations. The Committee might regularly assess the impact of its general recommendations and expanded reporting guidelines on reservations and declarations to the treaty. The Committee may wish to ask a State party for detailed explanation for its maintenance of certain reservations, as well as the effect such reservations have on the enjoyment by women of their human rights in that country.

B. Constructive dialogue with States parties on reservations

31. An important component of the Committee's dialogue with reserving States parties is a comparative discussion of States parties' approach to obligations in other human rights treaties that are similar to those in the Convention. Articles 2, 9, 15 and 16 of the Convention are subject to the largest number of far-reaching reservations, many of which may be defined as contrary to article 28(2). A number of other human rights treaties elaborate obligations which are similar to articles 2, 9, 15 and 16. Articles 2(1) and 3 of the International Covenant on Civil and Political Rights, articles 2(2) and 3 of the International Covenant on Economic, Social and Cultural Rights,[36] and article 2 of the Convention on the Rights of the Child[37] create similar obligations to article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. Articles 12, 14, 16 and 26 of the International Covenant on Civil and Political Rights create similar obligations to article 15 of the Convention. Again, similar obligations to article 16 of the Convention are to

be found in article 23 of the International Covenant on Civil and Political Rights.

32. During its dialogue with individual States parties, the Committee on the Elimination of Discrimination against Women may wish to draw attention to the fact that a State party may have ratified the Convention with reservations, but at the same time, may have ratified other treaties, such as the Covenants, without reservations to articles 2 and 3 of those treaties. In the event the State party has ratified the Covenants with reservations, the Committee should be in a position to compare the reach of those reservations with the reservations to the Convention and suggest that inconsistencies be eliminated.

33. A sample comparison of reservations indicates that Algeria has not entered reservations to the Convention on the Rights of the Child, but has indicated, in regard to the International Covenant on Civil and Political Rights, that it reserves with regard to the rights and responsibility of spouses. The Bahamas, State party to both Covenants, reserved only with regard to article 2 of the Convention on the Rights of the Child. In this reservation it reserves the right to apply its own Constitution insofar as the conferment of citizenship on children is concerned. Bangladesh is not State party to either Covenant and filed no reservations to the non-discrimination provision on the Convention on the Rights of the Child, a position which appears to be inconsistent with its reservations relating to the Convention on discrimination against women. Belgium's reservations to this Convention are echoed in its reservations to the International Covenant on Civil and Political Rights. Egypt, State party to both international covenants and the Convention on the Rights of the Child, has entered no reservations to the equality guarantees of these treaties, although, as pointed out earlier, it has reserved to articles 2, 9(2) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women. Iraq, similarly State party to the Covenants and the Convention on the Rights of the Child, entered no reservations to the equality provisions of these treaties, although maintaining substantial reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Jordan, Libya, Morocco and Tunisia, also States parties to the Covenants and the Convention on the Rights of the Child, have not replicated their reservations to the Convention on the Elimination of All Forms of Discrimination against Women where these other treaties are concerned. In contrast, Malaysia and Maldives entered consistent reservations to that Convention and the Convention on the Rights of the Child.

34. The Committee on the Elimination of Discrimination against Women could enter into a fruitful discussion with States parties which maintain inconsistent reservations and should encourage the other treaty bodies to raise these issues also. The United Nations system, and especially the Division for the Advancement of Women, as the secretariat to the Committee, and non-governmental organizations, should also focus on these inconsistencies in their work with States parties.

C. Coordinated strategies to address reservations

35. The Committee should continue to urge the Division for the Advancement of Women and the Centre for Human Rights to develop cooperative and coordinated strategies to address reservations. Such strategies might include cooperative seminars and training sessions in States parties. The approach of the United Nations Children's Fund (UNICEF) to reservations to the Convention on the Rights of the Child might also be considered and emulated. UNICEF has arranged briefings for and discussions with high-level officials in States considering ratifying the Convention on the Rights of the Child with reservations, and those that have ratified with reservations. These briefings and meetings have been fruitful, with ratification without reservation achieved in some cases and the modification and withdrawal of extant reservations in others. The Committee might recommend such a strategy and might, within the framework of existing resources, nominate Committee experts prepared to participate in such briefings and discussions. It might also encourage the Secretariat to initiate high-level briefings, to reissue the letter of the Secretary-General to States parties with reservations and to analyse the results of that letter. The Committee might also encourage non-governmental organizations, at both the international and national levels, to consult with Governments with a view to withdrawal of reservations. Consultations might include studies of religious laws and their complementarity with the Convention. In this context, the Committee might take note of, and encourage, any seminar series, such as that planned by International Women's Rights Action Watch (Asia/Pacific) for South and South-East Asia in 1997, which seeks to compare extant reservations with the domestic legal regime. Studies of this nature frequently reveal that the States party's reservation is drawn more widely or generally than required, as the domestic situation, both legally and in terms of policy, promotes the idea of equality between women and men.[55]

D. A new general recommendation on reservations

36. In the present report the Committee's general recommendations 4 and 20, which focus on reservations, and 21, which addresses reservations to article 16, have already been described. One of the long-term goals of the Committee could be the formulation of a new and comprehensive general recommendation combining the elements of existing general recommendations, as well as the experience resulting from those recommendations and the practice developed under the expanded guidelines on reservations. Such a general recommendation could take into account general comment 24 of the Human Rights Committee and the developing work of the International Law Commission on reservations. The Committee could develop such a general recommendation over a number of sessions, keeping other treaty bodies and the International Law Commission aware of its work and asking for comment from those bodies. As a short-term measure, the Committee may wish to submit any reaction it might have to the Commission's draft resolution on reservations.

VI. CONCLUSION

37. The Committee should continue to encourage other States parties to object to those reservations that are perceived to be contrary to the object and purpose of the Convention. It should also initiate some or all of the approaches proposed in section IV of the present report and maintain contact with other treaty bodies on this important issue through the regular meetings of chairpersons.

Notes

[1] Report of the Committee on the Elimination of Discrimination against Women (Official Records of the General Assembly, Fifty-first Session, Supplement No. 38 (A/51/38)), para. 346.

[2] Vienna Convention on the Law of Treaties 1969 (United Nations, Treaty Series, vol. 1155, No. 18232, p. 331), article 2 (1) (d).

[3] Human Rights Committee, General Comment 24(52): General comment on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant (CCPR/C/21/Rev.1/Add.6).

[4] Twenty-nine States parties have reserved with regard to article 29(1).

[5] Rebecca J. Cook, "Reservations to the Convention on the Elimination of All Forms of Discrimination against Women", Virginia Journal of International Law, vol. 30 (1990), p. 644.

[6] See, for example, Bangladesh, Egypt, India (although framed as a declaration), Iraq and Morocco.

[7] R. Cook, loc. cit., note 4, and B. Clark, "The Vienna Convention Reservations Regime and the Convention on Discrimination against Women", American Journal of International Law, vol. 85 (1991), p. 281; C. Chinkin ("Reservations and objections to the Convention on the Elimination of All Forms of Discrimination against Women" in J. P. Gardner, ed., Human Rights as General Norms and A State's Right to Opt Out (British Institute of International and Comparative Law, 1996), p. 65.

[8] Algeria, Bahamas, Cyprus, Egypt, Fiji, Jordan, Kuwait, Malaysia, Morocco, Republic of Korea, Tunisia and the United Kingdom on behalf of its dependent territories.

[9] Chinkin, loc. cit.; regional and international human rights mechanisms have been quick to condemn discrimination in this sphere: see Abdulaziz, Cabales and Balakandali v. the United Kingdom, European Court of Human Rights, Series A, vol. 94 (1985); Aumeruddy-Cziffra v. Mauritius, No. 35/1978 adopted at the twelfth session of the Human Rights Committee; Proposed Amendments to the Naturalization Provisions of the Political Constitution of Costa Rica, International Law Reports, vol. 79 (1984), p. 282. Discrimination in matters of

nationality has also been the subject of litigation at the domestic level: Dow v. Botswana. Law Reports of the Commonwealth (1992), Court of Appeal, Botswana, p. 623.

[10] Malta and Singapore have similar reservations. The reservations of Mauritius to article 11 are unexplained.

[11] Belgium has a similar reservation limited to women in marriages that occurred prior to 14 July 1976.

[12] Reservations to this part of article 16 could be predicted from discussion in the Commission on the Status of Women during the preparation of the Convention at which the representative of Egypt, supported by the representatives of Indonesia and the Islamic Republic of Iran, explained that according to the Holy Quran, the husband must choose the site of the matrimonial home and the wife has the same domicile as her husband.

[13] Bahamas, Bangladesh, Egypt, France, India, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Malta, Mauritius, Morocco, Republic of Korea, Singapore, Thailand, Tunisia, Turkey and United Kingdom.

[14] Chinkin, loc. cit., p. 76; Cook, loc. cit., p. 703.

[15] See A/C.3/34/SR.70-73. For example, the representative of Morocco argued that the roles of men and women were not "traditional" but had arisen in the deep consciousness of the human race and that to provide for equality for men and women would affect the "psychic and moral balance of children".

[16] Bahamas, Bangladesh, Iraq, Israel, Jordan, Kuwait, Libya, Malaysia, Mauritius, Tunisia and Turkey.

[17] See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), chap. I.

[18] This is in contrast to the International Convention on the Elimination of All Forms of Racial Discrimination which, in article 20, provides that a reservation shall be regarded as incompatible or inhibitive if objected to by two thirds of the other States parties to the Convention.

[19] Note Clark's assessment of this response, Clark, loc. cit., pp. 284-287.

[20] See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 45 (A/39/45), vol. II, annex III.

[21] Ibid., Forty-second Session, Supplement No. 38 (A/42/38), para. 579.

[22] Ibid., Forty-third Session, Supplement No. 38 (A/43/38), para. 66.

[23] See, for example, consideration of the reports of France, ibid., Forty-second Session, Supplement No. 38 (A/42/38), para. 393, and the Republic of Korea, ibid., paras. 147 and 154.

[24] See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38).

[25] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

[26] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20), chap. IV.I, para. 230 (c).

[27] Chinkin, loc. cit.; B. Clark, American Journal of International Law, vol. 85 (1991), p. 281; R. Cook, Virginia Journal of International Law, vol. 30 (1990), p. 643; and L. Lijnzaad, Reservations to Human Rights Treaties: Ratify and Ruin (Dordrecht, the Netherlands, 1995).

[28] See A/49/537.

[29] General comment No. 24 (52) (CCPR/C/21/Rev.1/Add.6).

[30] The United Kingdom of Great Britain and Northern Ireland, the United States of America and France have lodged observations relating to general comment 24(52). Judge Rosalyn Higgins has responded to these criticisms in the preface to H. P. Gardner, op. cit.

[31] Preliminary report of the Special Rapporteur on the law and practice relating to reservations to treaties (A/CN.4/470); second report (A/CN.4/477), bibliography (A/CN.4/478).

[32] Report of the International Law Commission on the work of its forty-eighth session (Official Records of the General Assembly, Fifty-first Session, Supplement No. 10 (A/51/10)), chap. VI, para. 137.

[33] Rosalyn Higgins, preface to H. P. Gardner, ed., op. cit.

[34] Seventeen States parties have withdrawn reservations.

[35] For the texts of the Covenants, see General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.

[36] General Assembly resolution 44/25, annex, of 20 November 1989.

[37] This was the case where the Libyan Arab Jamahiriya was involved (see para. 29 above).

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WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

Report by the Secretariat

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* CEDAW/C/1997/1.

I. INTRODUCTION

1. At its twelfth session, the Committee on the Elimination of Discrimination against Women decided that the Secretariat should prepare each year a report on ways and means of improving the Committee's work. The report should contain information that the Secretariat believed necessary for the discussion of the item, arising from the Secretariat's experience of the previous year, the comments made by members to the Secretariat, or developments elsewhere in the human rights regime. It should also contain a list of States parties whose reports could be considered at the subsequent session, according to geographical representation.[1] The present report addresses a number of issues based on experience from the previous year, including relations between the Committee and specialized agencies, country rapporteurs and concluding comments, the Committee and the other treaty bodies, the Committee and thematic and country-specific mechanisms and choice of reports to be considered at future sessions of the Committee.

2. With a view to consolidating material in a single report, the present report also contains an analysis of the practice of other human rights treaty bodies in receiving information from non-governmental organizations and the participation of the latter in the meetings of those bodies, as requested by the Committee at its fifteenth session in its decision 15/II.[2]

3. Subsequent to the fifteenth session of the Committee, the Secretary-General, in a letter dated 8 February 1996 to the Chairperson of the Committee, stated:

"... I have considerable sympathy with the considerations which led the Committee to propose that it should be located in Geneva and serviced by the Centre for Human Rights so as to interact more closely with other human rights treaty bodies. At the same time, I am committed to ensuring that the United Nations has a strong, unified programme for the advancement of women."

The Secretary-General pointed out that the Platform for Action adopted by the Fourth World Conference on Women[3] concluded that the substantive servicing of the Committee should be provided by the Division for the Advancement of Women. The Secretary-General expressed full appreciation for the importance of linking the work of the Committee to the mainstream of human rights activities and assured the Chairperson and other members of the Committee that renewed efforts would be made to ensure close collaboration between the Division for the Advancement of Women and the Centre for Human Rights, including with respect to exchange of information between the Committee, other human rights treaty bodies and the special rapporteurs on human rights. The present report therefore takes into consideration the decision that the servicing of the Committee will continue to be provided by the Division for the Advancement of Women.

II. COOPERATION WITH UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

4. Article 22 of the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee may invite specialized agencies of the United Nations to submit reports for consideration by the Committee on the implementation of the Convention in areas falling within the scope of their activities.

5. In the light of the emphasis in the Beijing Declaration and Platform for Action on the girl child, the Committee recommended at its fifteenth session, the development of closer cooperation with the United Nations Children's Fund (UNICEF), particularly to achieve the objectives of the Convention and the Convention on the Rights of the Child.

6. At its fifteenth session, the Committee also requested the specialized agencies to continue presenting to it reports that focus on the implementation of the Convention in areas falling within the scope of their activities. The Committee welcomed, in particular, reports that refer to those of States parties currently under consideration. The Committee also welcomed the assistance and cooperation of the specialized agencies in implementing its mandate under the Convention and the Beijing Platform for Action, as well as giving effect to its general recommendations, and in the translation and wide dissemination of the Convention.

7. The Committee identified a list of subjects to which it attached priority following the Platform for Action and the relevant United Nations agencies, programmes and funds. These are cultural traditions and stereotypes (United Nations Educational, Scientific and Cultural Organization (UNESCO)); poverty and structural adjustment programmes (United Nations Development Programme (UNDP), the United Nations Development Fund for Women, the Bretton Woods institutions and the International Fund for Agricultural Development (IFAD)); violence (World Health Organization (WHO) and UNESCO); health (WHO and the United Nations Population Fund (UNFPA)); employment and migration (International Labour Organization (ILO)); power and decision-making (UNESCO and the Commission on the Status of Women); education, training and the mass media (UNESCO, ILO and the Department of Public Information of the Secretariat); rural women (Food and Agriculture Organization of the United Nations (FAO) and IFAD); and refugee women (Office of the United Nations High Commissioner for Refugees (UNHCR)). The Committee also identified the International Organization for Migration (IOM), an intergovernmental organization, in connection with employment and migration.[4]

8. Of the bodies identified, UNESCO, WHO, ILO and FAO have regularly contributed written submissions to the Committee since its inception. IFAD, UNDP, the United Nations Development Fund for Women and UNFPA, UNHCR and the Bretton Woods institutions have not, as yet, contributed reports to the Committee. Similarly, IOM has yet to contribute reports to the Committee. The Committee may wish to discuss the potential contributions to its work of the bodies that it has identified. It may wish also to reflect on how best these bodies might assist the work of the Committee, perhaps considering detailed proposals to guide them in this regard.

9. A number of specialized agencies that regularly submit reports to the Committee have already welcomed the appointment by the Committee of designated focal points responsible for links with them. As it agreed at its fifteenth session, the Committee should continue to designate one of its members to serve as a focal point for different specialized agencies and other United Nations bodies. At the same time, a number of specialized agencies have, over the past two years, requested more guidance in relation to their contributions to the Committee and, in particular, how best to assist it in its work. The Committee might wish to provide these bodies with more detailed suggestions that will facilitate more focused inputs from them. Guided input would not only assist the Committee in its constructive dialogue with reporting States parties, but could also provide information for the preparation of general recommendations. The Committee may wish to include suggestions as to length, content and focus of inputs. The Committee might also wish to consider how to provide feedback to specialized agencies and other bodies that contribute to its work.

10. The Committee might also wish to consider various ways by which specialized agencies and other United Nations entities might contribute to its work. A number of the other treaty bodies have developed practices that allow representatives of United Nations entities to participate in their sessions. At its fifty-second session, in October 1994, the Human Rights Committee, the treaty body established under the International Covenant on Civil and Political Rights, decided to invite henceforth representatives of specialized agencies and other United Nations bodies to make oral presentations at the Committee's pre-sessional working group on article 40 of the Covenant during which the Human Rights Committee conducts a preliminary review of periodic reports which are scheduled to be considered by the plenary. The Committee on the Rights of the Child meets regularly with United Nations bodies and specialized agencies. As well as submitting relevant information to the country files used by the pre-sessional working group of the Committee on the Rights of the Child,[5] representatives of United Nations bodies take part in the meetings of the working group.[6] This practice has also been adopted by the Committee on Economic, Social and Cultural Rights, which, at its fourteenth session in spring 1996 decided to invite representatives of the specialized agencies to attend the first meeting of each of its pre-sessional working groups with a view to enabling them to provide information, in private session, of a more precise and country-specific nature.[7] In order to begin this practice, it directed its secretariat to inform agencies immediately of the countries to be considered by its pre-sessional working group at the next session.

11. In revising rules of procedure, the Committee may wish to reflect on sub-rules 34(2) and 70(1) and (2) of the rules of procedure of the Committee on the Rights of the Child, which, combined with article 45 of the Convention on the Rights of the Child, give wide scope for the participation of specialized agencies and other bodies of the United Nations in the work of that Committee. This has included field level input from agencies, such as UNICEF, UNHCR, UNDP and the United Nations Development Fund for Women, whose work includes field operations.

III. COUNTRY RAPPORTEURS AND CONCLUDING COMMENTS

12. The sixteenth session of the Committee will be the fourth session at which the Committee has formulated concluding comments in respect of the reports of States parties. The practice, introduced by the Committee to make its work more accessible to government policy makers, civil servants and non-governmental organizations, is common among other human rights treaty bodies.

13. The procedures for the formulation of concluding comments are to be found in the report of the Committee's thirteenth session.[8] By its decision 15/III,[2] the Committee agreed to revise the structure of its report to be more in line with those of other treaty bodies. Dispensing with a lengthy reporting of the constructive dialogue, the Committee agreed that the presentation of States parties reports would be reflected in the report of the Committee by way of a brief summary of the presentation of the State party concerned, followed by the Committee's concluding comments and recommendations.

14. Increasingly, the Committee's concluding comments have followed the pattern of the concluding observations of the Human Rights Committee and consist of five sections: introduction, factors and difficulties affecting implementation of the Convention, positive aspects, principal subjects of concern, and suggestions and recommendations. On average, concluding comments are three to four pages in length. The Committee may wish to continue to use this format.

15. The Committee may also wish to develop guidelines for the introductory section of each concluding comment. The introduction might include comments on the nature of the State party's report and how far this report complied with the Committee's guidelines and whether statistical or other data required by the Committee featured in the report. The introduction might also be an appropriate place to address the question of reservations. Insofar as factors and difficulties affecting the implementation of the Convention, the Committee may wish to consider whether this might be the section of the comment in which overarching factors appear. In the balance of the comment, the Committee might wish to reflect on whether "positive aspects" and "principal subjects of concern" should be consistently structured to follow the order of the articles of the Convention or at least the broad subjects addressed in the Convention and decide whether specific articles of the Convention should be cited in the text of this part of the comment. Further, the Committee may wish to consider whether concluding comments relating to periodic reports should address progress that has been made since the presentation of the last report and issues that emerged during constructive dialogue relating to the earlier report which have or have not been addressed by the State party. In this way, the Committee will enhance the reporting process as a tool for progressive development in States parties.

16. The Committee is encouraged to regularize its practice of identifying individual members who have responsibility for drafting concluding comments for particular countries under consideration. One member, perhaps with another nominated as a back-up, should be identified for each report, at the session prior to which the country will be considered and this information should be made public. During the session when the report is being considered, the designated country rapporteur should be encouraged to consult informally with

other members as required when drafting comments for the adoption of the Committee as a whole.

IV. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND OTHER TREATY BODIES

17. In September 1996, the seventh meeting of persons chairing the human rights treaty bodies recalled the conclusions made at their sixth meeting wherein they recommended that:

> "(a) The treaty bodies shall fully integrate gender perspectives into their pre-sessional and sessional working methods, including identification of issues and preparation of questions for country reviews, general comments, general recommendations and concluding observations. In particular, the treaty bodies should consider the gender implications of each issue discussed under each of the articles of the respective instruments;
>
> "(b) Guidelines for the preparation of reports by States parties should be amended to reflect the necessity of providing specific information on the human rights of women for consideration by the respective committees;
>
> "(c) In undertaking investigative procedures, the treaty bodies should make special efforts to elicit information about the situation of women in the area of inquiry;
>
> "(d) Treaty bodies should consistently request gender-disaggregated data from States parties and United Nations specialized agencies and use the data in reviewing country reports;
>
> "(e) In preparing reports of the treaty body sessions, attention should be paid to the use of gender-inclusive language wherever possible."[9]

18. To contribute to the achievement of the goals identified by the chairpersons, the Committee should continue the practice of appointing Committee members, whose identity should be made public in the annual report, to act as liaisons with individual treaty bodies. It should also actively monitor the progress made by each treaty body towards implementation of the recommendations of the chairpersons on the steps that have been taken towards implementation, and the results of their recommendations, taking into account efforts being made by the Secretariat to mainstream gender into the human rights regime.

V. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND THEMATIC AND COUNTRY-SPECIFIC MECHANISMS

19. During 1996, some steps have been taken to foster coordination between the human rights special procedures system, consisting of special and thematic rapporteurs, representatives, experts and working groups and treaty bodies. At the third meeting of the special rapporteurs/representatives/experts and

chairmen of working groups of the special procedures and the advisory services programme of the Commission on Human Rights (meeting of human rights special procedures) in May 1996,[10] the chairperson of the meeting of the chairpersons of human rights treaty bodies suggested continuation of the practice of inviting that chairperson to the meeting of human rights special procedures. She also suggested that the chairman of the meeting of the special procedures should attend the chairpersons annual meeting as a matter of course.[11] At the meeting of human rights special procedures it was regretted that greater coordination between the treaty bodies and the special procedures had not occurred and agreed to move in that direction. Similar sentiments were expressed during the seventh chairperson's meeting, which was addressed by the chairperson of the third meeting of special procedures. The chairpersons recommended that, where appropriate, the treaty bodies should take a more active role in supporting, suggesting topics for, and cooperating in the preparation of studies by the Subcommission on Prevention of Discrimination and Protection of Minorities, as well as by special rapporteurs and other experts appointed by the Commission on Human Rights. They also recommended that "special rapporteurs and other experts whose work is of direct relevance to the activities of a particular treaty body could schedule their visits to the United Nations in connection with the meeting of the treaty bodies concerned in order to have direct cooperation on issues of mutual concern".[12]

20. In the light of the recommendations of the meeting of the persons chairing human rights treaty bodies, the Committee may wish to reflect on ways that coordination in its work and that of the special procedures might be achieved. Like the Committee on Economic, Social and Cultural Rights at its fourteenth session, the Committee may wish to suggest that the United Nations High Commissioner for Human Rights invite the Committee to nominate one of its members to participate in the next meeting of the special procedures. The Committee on Economic, Social and Cultural Rights felt that it would be very useful on both sides if a discussion could take place as to the most appropriate and productive means by which economic, social and cultural rights could be reflected in the work of the different mechanisms. It considered that the best way to achieving greater interaction and better understanding was in the context of the regular meeting of special rapporteurs and thematic mechanisms.

21. As the Committee will be aware, that meeting brings together thematic and country rapporteurs of the Commission on Human Rights, other experts appointed by that Commission, working groups and rapporteurs of the Subcommission on the Prevention of Discrimination and Protection of Minorities. A number of these have mandates that involve consideration of issues that are of concern to the Committee. They include, for example, the special rapporteurs on torture and other cruel inhuman or degrading treatment, internally displaced persons, religious intolerance and sale of children, child prostitution and child pornography. The Committee might like to consider, in advance of the meeting, the specific procedures that are especially relevant to its work and means of achieving cooperation between the Committee and those procedures, as well as the concrete advantages to be gained from such cooperation.

22. Particular efforts are required to ensure that the work of the Committee and that of the Special Rapporteur on violence against women, its causes and consequences is coordinated and mutually enhancing. The United Nations High

Commissioner for Human Rights has been requested by the Committee, as a matter of priority, to facilitate the presence of the Special Rapporteur on violence against women at all sessions of the Committee. The Committee might consider setting aside specific time in its agenda well in advance when it could discuss matters of mutual concern with the Special Rapporteur. Such issues might include the implementation of the Committee's general recommendation 19. The High Commissioner might again be requested to facilitate the participation of individual Committee members in the country missions of the rapporteur. The Special Rapporteur on violence against women might consider informing the Committee well in advance of her plans for missions. She might also be encouraged to invite individual members of the Committee to participate in missions as appropriate. This might be particularly useful where the Rapporteur's mission is to the home countries or countries of residence of Committee members.

VI. REPORTS TO BE CONSIDERED AT UPCOMING SESSIONS OF THE COMMITTEE

23. Currently, the reports of 32 States parties are awaiting consideration by the Committee. Of these, 13 have been translated, including 4 initial reports, 1 combined initial, second and third report, 1 second report, 3 combined second and third reports, and 4 third reports. At its eleventh session, the Committee agreed that the reports would be selected for consideration on the basis of the date on which they had been received. At subsequent sessions, the Committee added the consideration of geographical balance.

24. The Committee may wish to consider selecting at least 10 of the translated reports for review at its July session, retaining the balance as reserve. The Committee should also consider identifying reports to be considered at its eighteenth and nineteenth sessions on the basis of order of receipt and availability. One member of the Committee has suggested that those States parties selected for consideration for the seventeenth session should be notified immediately after the sixteenth session. At this time, it should be determined when the next periodic report of each of these States parties is due. In the event that the date has passed or that the date will occur within the next 12 months, then the Secretariat, at the request of the Committee, should invite the State party to submit its next periodic report within 8 months of the Committee's decision. This would allow the Committee to have available for consideration the most current information relating to the implementation of the Convention in that State party and would, at the same time, allow the State party to be fully on schedule with regard to its reporting obligations. In addition, this would provide the Committee with written information that would relieve the State party of the burden of presenting a lengthy oral update during the reporting session.

25. As the Committee may wish to recall, the question of consideration of periodic reports is currently being reviewed by the Committee on Economic, Social and Cultural Rights. It is considering a proposal that involves the maintenance of comprehensive initial reports by States parties, but the elimination of subsequent comprehensive periodic reports which, like periodic reports under the Convention on the Elimination of All Forms of Discrimination

against Women, have been required to address all of the issues identified in the Committee's reporting guidelines. In place of these periodic reports, the pre-sessional working group of the Committee on Economic, Social and Cultural Rights would, on the basis of all available sources of information, identify a limited number of specific issues in relation to which a report would be requested from the State party concerned. The Committee would then conduct its dialogue on the basis of that detailed report. Among the advantages would be a reduction in the burden imposed on States parties, a much clearer focus for the dialogue between the Committee on Economic, Social and Cultural Rights and States parties, with capacity to focus in greater depth upon issues of particular interest or concern.

26. The current practice of the Committee on Economic, Social and Cultural Rights is to hold its pre-session working group at the end of the previous session at which the State party's report will be considered. The same practice applies to the Committee on the Rights of the Child. As the Committee on the Rights of the Child points out in its overview of the reporting procedures,[14] the principal purpose of the working group is to identify in advance the most important issues to be discussed with the representatives of States. The intent is to give advance notice to the States parties of the principal issues that might arise in the examination of their reports. The possibility for government representatives to prepare in advance their answers to some of the principal questions is likely to make the discussion more constructive.

27. With the regularization of the second annual session of the Committee on the Elimination of Discrimination against Women, it should be possible for the Committee to move towards a similar pattern for its sessions. This would allow the Committee to develop further reporting methods and the conduct of constructive dialogue. It would also provide States parties with a more structured framework in which to address particular issues that pose the greatest challenges to implementation of the Convention. A pattern of sessions along the lines suggested (i.e., with the pre-session being held at the prior session) could also contribute to greater and more focused inputs from specialized agencies and non-governmental organizations.

VII. THE PRACTICE OF OTHER TREATY BODIES IN RELATION TO NON-GOVERNMENTAL ORGANIZATIONS (DECISION 15/II)

28. The World Conference on Human Rights in 1993 recognized the important role played by non-governmental organizations in the effective implementation of all human rights instruments.[15] In its resolution 1996/22 of 19 April 1996, the Commission on Human Rights once again recognized the key role played by non-governmental organizations in the effective implementation of all human rights instruments and encouraged the exchange of reliable information between treaty bodies and such organizations.

29. Moreover, the meeting of the persons chairing United Nations human rights treaty bodies has consistently underlined the important function that non-governmental organizations have in the work of these bodies. At their sixth meeting in 1995, the chairpersons stressed the central role that non-governmental organizations have in providing information necessary for the

conduct of the activities of the treaty bodies and recommended that the Secretariat of the United Nations facilitate exchange of information between treaty bodies and such organizations. The Centre for Human Rights was requested to develop a database of national institutions for the promotion and protection of human rights and of nationally based non-governmental organizations that should be informed of the scheduled consideration of any of the reports of individual countries by the treaty bodies.[16] The Centre has been developing the database and has begun the practice of providing a number of international non-governmental organizations, on a regular basis, with (a) the schedule of forthcoming meetings of human rights treaty bodies and of the States parties reports programmed for consideration during those meetings (which are issued in May and November); (b) when appropriate, copies of the lists of issues treaty bodies address to the States parties before considering their reports; and (c) the provisional agenda and annotations for each session of the treaty bodies.[17] International non-governmental organizations have, in turn, been invited to circulate this information among national and local organizations. The Division for the Advancement of Women, in working closely with the Centre, has suggested that information on the Committee regularly be incorporated in this dissemination.

30. The issue of the participation of non-governmental organizations in the work of the treaty bodies was again taken up, in the presence of a number of non-governmental organizations, by the seventh meeting of the persons chairing the treaty bodies which was held in September 1996.[18] The vital role of non-governmental organizations in supplying the treaty bodies with documentation and other information on human rights developments was affirmed and each treaty body was encouraged to consider how best to monitor and facilitate this role. Non-governmental organizations were encouraged to continue to take an active role in critically examining the work of the treaty bodies so that more effective performance by treaty bodies as a whole, as well as by individual experts, could be achieved. The meeting agreed that non-governmental organizations would continue to be entitled to participate in the chairpersons' meeting at appropriate points during the meeting and would also be granted a specific opportunity to present their views. The meeting further recommended that chairpersons of treaty bodies should invite non-governmental organizations to attend the press conference which is usually held at the end of each session, although non-governmental organizations would not participate in the dialogue between journalists and the members of the treaty bodies. Individual treaty bodies were also encouraged to consider, in addition to a press conference, a separate non-governmental organization briefing at the end of their sessions. The chairpersons also requested each treaty body to make available to the public the addresses of their members to facilitate communication between treaty body experts and non-governmental organizations.

31. The approach towards non-governmental organization participation in the work of the treaty bodies manifested by the meeting of the persons chairing those bodies is reflected to a certain extent in the practices of individual treaty bodies, although practices differ markedly. The independent expert on long-term approaches to enhancing the effective operation of the treaty bodies designated in paragraph 2 of General Assembly resolution 47/111 of 16 December 1992 suggested in his interim report that there was a need for each treaty body to develop a more open, rational, transparent and balanced approach

to dealing with information from non-governmental organizations.[19] The independent expert suggests that it is inappropriate to incorporate non-governmental organizations as full participants in the actual dialogue between the treaty bodies and States parties as this could be unnecessarily "acrimonious" and unproductive of constructive dialogue.[20] He has suggested that the principal options for treaty bodies were:

(a) Providing an opportunity at the beginning of each Committee session for groups to present any information of direct relevance;

(b) Limiting such an opportunity to the Committee's pre-sessional working group;

(c) Scheduling informal sessions, without summary records and with only essential interpretation, outside the Committee's regular meetings.[21]

32. Current practices of individual treaty bodies with respect to non-governmental organization participation differ, with the Committee against Torture and the Committee on the Elimination of Racial Discrimination retaining only informal links with non-governmental organizations, while those treaty bodies which have adopted more formal links with non-governmental organizations have, in essence, taken the approaches outlined in options (b) and (c) of the independent expert's suggestions. His option (a) has been adopted by the Committee on Economic, Social and Cultural Rights to a certain extent. Variants of option (b) have been adopted by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and are now being pursued by the Human Rights Committee. Option (c) which has been pursued to some degree by all the Geneva-based treaty bodies has been described by the independent expert as having a number of strengths and he has outlined how it could be implemented in practice:

> "If there were very few groups wanting to place their views before the Committee a single informal session could be held at the beginning of the Committee's session. Thus, for example, the Monday afternoon of the first week could be set aside for that purpose. Alternatively, one hour meetings might be scheduled in relation to an individual country report, at either 9 a.m. or 2 p.m. the day before the country is scheduled to report. Such meetings could be open to all concerned groups and individuals and to all interested Committee members. At the very least the Committee could ask one of its members to report back to it, perhaps informally, on the outcome of such a session."[22]

33. What follows reviews the practice of each treaty body with respect to non-governmental organizations. It makes suggestions with regard to how the Committee may wish to proceed in strengthening its relations with non-governmental organizations so as to benefit its work and to enhance the potential of the Convention to eliminate gender-based discrimination.

A. Committee against Torture

34. The Committee against Torture, like the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, has developed the practice of inviting, generally two months before the Committee's sessions, those non-governmental organizations that closely follow the activities of the Committee, to submit information concerning States parties whose reports have been scheduled for consideration.[23] The working relationship of such non-governmental organizations with the Committee against Torture has been facilitated by rule 62, paragraph 1, of the Committee's rules of procedure[24] which entitles the Committee to invite, inter alia, non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written statements, as appropriate, relevant to the Committee's activities under the Convention. Further, any non-governmental organization may submit material to any member of the Committee who may choose to use it or not in the course of carrying out that individual member's functions under the Convention. In this way, non-governmental organization source material, together with that of the State party becomes part of the collective information upon which the Committee relies. However, the links with non-governmental organizations and the Committee are informal and the Committee against Torture does not meet with them in any formal way.

B. Committee on the Elimination of Racial Discrimination and non-governmental organizations

35. Coordination of non-governmental organization information and input into the work of the Committee on the Elimination of Racial Discrimination is facilitated by the Anti-Racism Information Service (ARIS) a non-governmental organization that also disseminates United Nations documents, reports and observations. During the course of its forty-sixth session, in March 1995, the Committee convened a meeting of non-governmental organizations on the work of the Committee outside its regular meeting time that was attended by representatives of 20 non-governmental organizations and three members of the Committee.

C. Human Rights Committee

36. For a number of years, the Human Rights Committee, the monitoring body established under the International Covenant on Civil and Political Rights, has received information supplied by non-governmental organizations, both through the Secretariat and independently. Further, during the 1990s the practice has developed of non-governmental organizations briefing the Human Rights Committee informally in sessions outside the scheduled meetings of the Committee. These briefing sessions, which occur at the request of individual non-governmental organizations, are facilitated by the Centre for Human Rights, which arranges the time and place for the briefing. The briefing is organized by the individual non-governmental organization, although a representative of the Centre attends the briefing, but only as a facilitator. The sessions can take place in the meeting room of the Committee, at another location on United Nations premises or elsewhere. The informal briefing sessions are closed and

attendance is at the invitation of the organizing non-governmental organization. It is unusual for the non-governmental organization to invite government delegations, but invitations to relevant delegations have sometimes been made and they have attended.[25] This practice of informal briefing of the Human Rights Committee by non-governmental organizations has proved successful and as the option to request a briefing session has become more known in the non-governmental organization community, up to four briefings by non-governmental organizations have been organized at the time of the sessions of the Committee. The resulting demands on the Committee members' time has been addressed to some extent by the practice of encouraging non-governmental organizations to consolidate their briefings. The Centre for Human Rights does not arrange for the reproduction or translation of documents that non-governmental organizations give to the Human Rights Committee either at briefing sessions or during their formal meetings.

37. At its fifty-third session, in October 1996, the Human Rights Committee experimented with a new model of non-governmental organization input into its work, inviting, for the first time, selected non-governmental organizations to attend one meeting of the closed working group of the Committee for the purpose of briefing experts on the list of issues arising out of reports of States parties that the Committee draws up during the working group. Government delegations were informed of the new practice, but they were not invited to attend. Invitations to participate were issued by the non-governmental organizations taking part in the briefing; thus, on a future occasion Governments might be invited and attend. As in the case of the informal briefings, the Centre for Human Rights was not in a position to arrange for reproduction or translation of non-governmental organization documentation. It is to be noted that the new practice is experimental and requires assessment. Early reactions have pointed to the fact that the working group meets two weeks prior to the consideration of States parties' reports and that non-governmental organizations may be reluctant to deploy scarce resources at this time, when they consider their input might be more effective at the time of consideration of reports.

D. Committee on Economic, Social and Cultural Rights

38. In May 1993, the Committee on Economic, Social and Cultural Rights adopted a new procedure relating to the participation of non-governmental organizations in the Committee's activities. Non-governmental organizations are encouraged to provide written information to the Committee and have been given the opportunity to present it with information that is reliable, relevant and focused on the provisions of the Covenant and/or country situations to the Committee both during its pre-sessional working group and at the beginning of each of its sessions. The oral contributions of non-governmental organizations, which are heard by the Committee during the first meeting of the session, are referred to in the proceedings of the Committee, but are formally incorporated in the Committee's proceedings and do not appear as part of the summary record and the report of the session. Further, at its fourteenth session in 1996, the Committee on Economic, Social and Cultural Rights agreed to invite non-governmental organizations to attend the second meeting of its working group and requested that the Secretariat notify non-governmental organizations as

widely as possible of this opportunity. The Committee also recalled its earlier request that the Secretariat send copies of reports pending consideration to a range of national non-governmental organizations in each of the States parties whose reports were pending consideration. It further requested the Secretariat to provide the Chairperson with a list of non-governmental organizations to which the reports had been sent and to do so at least two months prior to each session.[24] The Committee on Economic, Social and Cultural Rights has expressed the view that closer cooperation should be established between non-governmental organizations dealing with development and those involved in the field of human rights. It has envisaged a non-governmental organization coordinating body, similar to that which exists in the context of the Committee on the Rights of the Child, whose functions could include coordinating activities relating to economic, social and cultural rights with actors outside the United Nations and assisting the Committee on Economic, Social and Cultural Rights in its treaty monitoring.[25]

E. Committee on the Rights of the Child

39. Article 45 of the Convention on the Rights of the Child provides that specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the Convention as fall within the scope of their mandate. The Committee is also empowered to invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The capacity for the Committee to invite "other competent bodies as it may consider appropriate" to provide advice on the Convention's implementation, combined with rules 34(2) and 70(2)[27] of the rules of procedure of the Committee, has been interpreted in such a way as to allow the Committee on the Rights of the Child to establish an active role for a number of non-governmental organizations in the conduct of its work.

40. Questions concerning States parties reports are prepared by the Committee on the Rights of the Child during a pre-sessional working group which meets at the end of the prior session of the Committee.[28] Country files, containing information relevant to each of the reports to be examined, are prepared by the Secretariat, and the Committee has encouraged non-governmental organizations to submit appropriate documentation to the Secretariat for inclusion in these files. Some of this information becomes part of the "country analysis" document that the Secretariat prepares, while other information is placed in files that are available to Committee members during sessions.[29] The working group may choose to invite representatives of non-governmental organizations to attend the meeting and give advice.[30]

41. The provisions of the Convention on the Rights of the Child and the practice of the Committee on the Rights of the Child has encouraged non-governmental organizations interested in children's rights to establish a non-governmental organization group for the Convention on the Rights of the Child. The Group brings together 37 international non-governmental organizations[31] that are involved, directly or indirectly, in the implementation

of the Convention. The Group was originally formed in 1983 as the Informal Ad Hoc NGO Group for the Drafting of the Convention on the Rights of the Child.[32]

42. One of the principal tasks of the Group is to facilitate the flow of information between the Committee on the Rights of the Child and the national and international non-governmental organization community. In order to maximize this contact, the Group appointed a Coordinator, now known as the Committee on the Rights of the Child/non-governmental organization liaison officer. The revised terms of reference of the liaison officer indicate that the role of the officer is to enhance cooperation and interaction between the global non-governmental organization community and the Committee on the Rights of the Child. Five of the officer's eight main tasks focus on facilitating contact between the non-governmental organization community and the Committee on the Rights of the Child and its secretariat and emphasize the importance of securing all relevant information for the reporting process.[33] Under the direction of the officer, the Group promotes the preparation of alternative, complementary or supplementary reports by non-governmental organizations[34] that can assist the Committee in constructive dialogue with States parties. To facilitate this, the Group has prepared a guide for non-governmental organizations reporting to the Committee on the Rights of the Child, which provides information on the reporting procedure and the participation of non-governmental organizations in this process. Based on written information provided in advance by non-governmental organizations, the Committee may invite non-governmental organizations to participate in its pre-sessional working group in order to provide it with information related to specific aspects of the implementation of the Convention in those States parties which are scheduled to report to the Committee. The Group may provide limited funding in order to allow one representative from each country who has been invited by the Committee to participate in the working group to travel to Geneva for this purpose.[35] To facilitate this and to enhance the credibility of non-governmental organization input into the reporting process, the Group promotes the creation and development of broad-based and representative national coalitions of non-governmental organizations working with children.[36]

F. Committee on the Elimination of Discrimination against Women

43. Since its establishment, the Committee on the Elimination of Discrimination against Women has enjoyed strong support from both international and national non-governmental organizations. A number of non-governmental organizations have voluntarily provided Committee members, both individually and collectively, with information for the consideration of States parties reports and for other purposes. The International Women's Rights Action Watch, which was established at the non-governmental organization forum of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi in 1985 specifically to monitor the work of the Committee, has sought to provide country-specific information to the Committee on a regular basis and, in cooperation with the Commonwealth Secretariat, has prepared a guide for non-governmental organizations on reporting under the Convention.[37] Other international and national non-governmental organizations from a number of countries have also contributed information. Non-governmental organization input has also focused on the

formulation of general recommendations, with the International League for Human Rights and International Women's Rights Action Watch having contributed to the preparation of general recommendation 19. The International Human Rights Law Group and other non-governmental organizations co-hosted the meeting which developed the Maastricht draft optional protocol for the Convention, which is the basis of the Committee's suggestion No. 7 and have also focused their attention on the working methods of the Committee and hosted general and specific briefings for Committee members. For example, in 1996, the International Women's Rights Action Watch in collaboration with the Jacob Blaustein Institute for the Advancement of Human Rights and the United Nations Development Fund for Women, hosted a one-day colloquium with the Committee, which focused on working methods of the Committee.

44. The Committee may now wish to formalize and develop the fruitful relationship that it already has with non-governmental organizations. In this regard, the Committee's current rules of procedure do not provide for non-governmental organization participation in the Committee's sessions. The Committee may wish to consider whether in the context of the revision of its rules of procedure it might wish to formulate a general rule which might allow for more formalized participation. In this regard, the Committee might wish to consider both sub-rules 34(2) and 70(2) of the provisional rules of procedure of the Committee on the Rights of the Child.[27] Both sub-rules subject participation of non-governmental organizations to the discretion of the Committee. Insertion of a rule or rules similar to those of the Committee on the Rights of the Child would enable the Committee to take positive steps to allow formalized non-governmental organization participation.

45. Two models of non-governmental organization participation, drawn from the experience of other treaty bodies, might be considered by the Committee. First, the Committee might decide to make itself available for non-governmental organization briefings, which would be facilitated by the Secretariat, outside the Committee's formal meetings. It might decide to identify time prior to its meeting, between meetings or after meetings when it could exchange views with non-governmental organizations. The Committee could also consider whether non-governmental organizations might be invited to participate in its pre-session working group and again exchange views. Either model could be introduced on an experimental basis over a number of sessions. The experience might then be evaluated and future approaches determined on the basis of such evaluation.

46. The issue of non-governmental organization participation in the work of the Committee is not confined to developing a modus operandi to allow non-governmental organizations to make informal or formal presentations to the Committee, but may also include the question of whether the Committee should produce guidelines or suggestions for non-governmental organizations concerning the form, content and manner of submissions and input to the Committee for its consideration in the context of States parties reports. Current non-governmental organization submissions to the Committee and experts individually take many forms and the Committee might care to make suggestions as to the form and content and channelling of submissions that it finds most helpful.

47. It is to be noted that some treaty bodies have also provided opportunities for non-governmental organizations to contribute to the development of the jurisprudence of their Committee. For example, during its sessions, the Committee on Economic, Social and Cultural Rights, like the Committee on the Rights of the Child, holds discussion days during which the content of rights in the Covenant or themes cross-cutting the Covenant are elaborated. The practice of the Committee on Economic, Social and Cultural Rights is to incorporate non-governmental organizations in these discussions.[18] As informal non-governmental organization input has already been incorporated by the Committee on the Elimination of Discrimination against Women in its formulation of general recommendations, the Committee may wish to consider the practice of the Committee on Economic, Social and Cultural Rights of providing for a day or half day of general discussion, during which non-governmental organizations might intervene. Again, this could be introduced on an experimental basis and future approaches determined on the basis of evaluation.

48. It is important that non-governmental organizations be made aware of the Convention and the Committee and its work and be encouraged to assist it in all appropriate ways. This raises the question of the Secretariat's role in facilitating non-governmental organization input into the work of the Committee. It has already been noted that the Committee on Economic, Social and Cultural Rights has directed its secretariat to notify non-governmental organizations of the growing opportunities that exist for non-governmental organization contribution during sessions of the Committee and to send copies of reports pending consideration to a range of national non-governmental organizations in the countries concerned. The secretariat of the Committee on Economic, Social and Cultural Rights has also been requested to provide the Chairperson with a list of those non-governmental organizations to which pending reports have been sent at least two months prior to each session. If the Committee decides to establish a more structured approach to non-governmental organization input, it would be possible for non-governmental organizations from reporting countries who were accredited to the Fourth World Conference on Women to be notified. Moreover, the Division for the Advancement of Women can use its internet sites to inform non-governmental organizations and to upload country reports available in electronic format. Alternatively, or in addition, other non-governmental organizations listed in the Centre for Human Rights database, from reporting countries could also be informed and receive copies of reports. A non-governmental organization group following the model of the NGO Group for the Convention on the Rights of the Child could be achieved if the International Women's Rights Action Watch and/or other non-governmental organizations were in a position to consolidate such a group and assume some of the same functions that the NGO Group performs with respect to the Committee on the Rights of the Child. Preferred options, once identified by the Committee, will need to be reviewed by the Secretariat to determine feasibility given existing human and financial resources.

Notes

[1] Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), para. 632.

[2] Ibid., Fifty-first Session, Supplement No.38 (A/51/38), chap. I, sect. A.

[3] A/CONF.177/20, chap. I, resolution 1, annex II.

[4] Official Records of the General Assembly, Fifty-first Session, Supplement No. 38 (A/51/38), para. 340.

[5] CRC/C/33, para. 9.

[6] Ibid., para. 11.

[7] HRI/MC/1996/2.

[8] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), paras. 813-816 of which state:

"813. At the outset of each session, the Chairperson should designate, for each report, two members of the Committee to draft concluding comments to be considered for adoption by the Committee. To the extent possible, at least one of those rapporteurs should be from the region of the reporting State. For second and subsequent reports, they should consult with the members of the pre-session working group.

"814. The comments should cover the most important points raised during the constructive dialogue, emphasizing both positive aspects of the reports and matters on which the Committee had expressed concern, and should clearly indicate what the Committee wished the State party to report on in its next report. The comments should be concise. For second and subsequent reports, the comments should take into account the findings of the pre-session working group as well as the constructive dialogue.

"815. The drafts should be considered in closed meetings of the Committee scheduled periodically during the session, but at least one per week.

"816. Once agreed, the concluding comments would be incorporated into the Committee's report on the consideration of the State party's report."

[9] A/51/482, annex, para. 58.

[10] E/CN.4/1997/3.

[11] Ibid., para. 40.

[12] A/51/482, annex, para. 53.

[13] Australia, third; Antigua and Barbuda, initial, second and third; Armenia, first; Argentina, second; Bangladesh, third; Bulgaria, second and third; Croatia, initial; Dominican Republic, second and third; Equatorial Guinea, second and third; Israel, first; Mexico, third; Republic of Korea, third; Zaire, initial.

[14] CRC/C/33, para. 8

[15] A/CONF.157/24 (Part I), chap. III, para. 52.

[16] A/50/505, annex, para. 23.

[17] HRI/MC/1996/2, para. 69.

[18] A/51/482, annex, paras. 35-39.

[19] Interim report on an updated study by Mr. Philip Alston (A/CONF.157/PC/62/Add.11/Rev.1), annex.

[20] Ibid., para. 232.

[21] Ibid., para. 234.

[22] Ibid., para. 235.

[23] HRI/MC/1996/2, para. 67.

[24] CAT/C/3/Rev.10.

[25] HRI/MC/1996/2, para. 65.

[26] Ibid., para. 66.

[27] CRC/C/4:

(a) Rule 34(2). Representatives of other competent bodies concerned, which are not included among those in paragraph 1 of this rule, may participate in public or private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

(b) Rule 70(2). The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies, as it may consider appropriate to provide it with expert advice, pursuant to article 45, subparagraph (a), of the Convention, in the implementation of the Convention in areas falling within their respective mandates.

[28] CRC/C/33, para. 7.

[29] Ibid., para. 9.

[30] Ibid., para. 11.

[31] See NGO Group for the Convention on the Rights of the Child, p. 2. The list of members of the Group is published on p. 4 of this factsheet.

[32] Laura Theytaz-Bergman, "NGO Group for the Convention on the Rights of the Child", in E. Verhellen (ed.), Monitoring Children's Rights (Kluwer International, 1996), pp. 537 and 538.

[33] Revised terms of reference for the Coordinator approved by the Group, 6 and 7 April 1995.

[34] Theytaz-Bergman, op. cit., pp. 538 and 539.

[35] Theytaz-Bergman, op. cit., p. 539.

[36] Theytaz-Bergman, op. cit., p. 540.

[37] Jane Connors and Andrew Byrnes, Assessing the Status of Women: A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination against Women, Commonwealth Secretariat and the International Women's Rights Action Watch, 1995.

[38] See E/C.12/1993/SR.42 for the discussion on the minimum core content and non-discrimination dimensions in the right to health in which numerous non-governmental organizations took part.